HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 41 OF 2007.

Kanayalal Chetandas Jaisinghani. ..Appellant.

Versus.

Chuharlal Cheetandas Jaisinghani & Ors. ..Respondents.

K. C. Jaisinghani party in person.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.

DATE: MARCH 14, 2007.

P.C.

1. This L.P.A. is directed as against the order passed by the learned Single Judge of this Court on 8th January 2007 rejecting Writ Petition No. 7630 of 2006. It is pertinent to note that this writ petition was directed against two orders. First order is dated 19th October 2006 rejecting the application moved by the petitioner taking objections to the directions issued by the trial Court in regard to the payment of the Commissioner fees, and the second order challenged is in respect of the rejection of the application under Order-VII, Rule-11 of the Code of Civil Procedure, 1908. It is pertinent to note that the Commissioner’s fees have been rightly directed to be paid,

by the District Court and the said order has attained finality. So far as the objections under Order-VII, Rule-11 of the C.P.C. is concerned, now the evidence of the plaintiff is over and the evidence of the defendant, namely, the present appellant is yet to start. It is well established principle of law that when the suit has proceeded for trial all issues are required to be decided under Order-XIV of the Code, and therefore the trial Court was justified in not considering the said application at a late and belated stage in the proceeding so as to avoid the protraction of the trial. We find that there is no substance in the LPA, and therefore we refrain to entertain this LPA. Therefore, we reject the LPA.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**